

**In the Matter Of:**  
*MELVIN NEAL, JR. V.*  
*HINDS COUNTY, MISSISSIPPI, ET AL*  
*3:18-CV-590-CWR-FKB*

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*VICTOR MASON*

*October 02, 2020*

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**Victor Mason - October 02, 2020**

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

MELVIN NEAL, JR.

PLAINTIFF

v.

CAUSE NO. 3:18-CV-590-CWR-FKB

HINDS COUNTY, MISSISSIPPI, SHERIFF  
VICTOR P. MASON, IN HIS OFFICIAL  
CAPACITY, LIEUTENANT ANTONY SIMON,  
IN HIS INDIVIDUAL AND OFFICIAL  
CAPACITY, SERGEANT JAMIE CASTON,  
IN HIS INDIVIDUAL AND OFFICIAL  
CAPACITY, AND SERGEANT JOHN SCOTT,  
IN HIS INDIVIDUAL AND OFFICIAL CAPACITY

DEFENDANTS

DEPOSITION OF VICTOR MASON

Taken at the instance of the Plaintiff on Friday,  
October 2, 2020, by videoconference via Zoom, all parties  
attending via Zoom, beginning at 1:48 p.m.

(Appearances noted herein)

REPORTED BY: Courtney R. Taylor, CCR, TLC  
Alpha Reporting Corporation  
236 Adams Avenue  
Memphis, Tennessee 38103

Victor Mason - October 02, 2020

1 APPEARANCES :

2

2 MICHAEL S. CARR, ESQ.  
3 Carr Law Firm, PLLC  
301 West Sunflower Road, Suite D  
4 Cleveland, Mississippi 38732

5 COUNSEL FOR PLAINTIFF

6

7 KATELYN A. RILEY, ESQ.  
8 Allen, Allen, Breeland & Allen  
214 Justice Street  
9 Brookhaven, Mississippi 39601

10 COUNSEL FOR DEFENDANTS

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1                   THE REPORTER: As the court reporter, I  
2         need to confirm that all counsel present are  
3         willing to stipulate that I can administer  
4         the oath via videoconference.

5                   MR. CARR: Agreed.

6                   MS. RILEY: Agreed.

7                   VICTOR MASON,

8         having first been duly sworn, was examined and  
9         testified as follows:

10       EXAMINATION BY MR. CARR:

11       Q. Please state your name for the record, sir.

12       A. Victor P. Mason.

13       Q. All right. And, Mr. Mason, my name is  
14       Attorney Mike Carr. I am an attorney for Melvin  
15       Neal, who has filed a lawsuit against Hinds County  
16       and yourself and some of -- in your capacity as  
17       sheriff and some individual officers. I don't have  
18       many questions for you today, sir.

19                  But have you given a deposition before?

20       A. Yes, I have.

21       Q. I imagine as the sheriff.

22                  How many depositions have you given? Do  
23       you think?

24       A. Hundreds.

25       Q. Okay.

1           A. I mean, in my capacity, what you expect,  
2 right?

3           Q. Well, some sheriffs take more depositions  
4 than others. I don't know.

5           A. Yeah.

6           Q. You know -- so you understand how  
7 depositions work. I don't know if you've done a  
8 Zoom deposition before, but it's the same format.  
9 I'm going to ask some questions, and then just wait  
10 until I get to the end of my question. And then you  
11 would, respond clearly, so the court reporter gets  
12 down all that we talk about today.

13           Is that fair?

14           A. That's fair.

15           Q. Very good.

16           Now, Mr. Mason, when was your term as  
17 sheriff for Coahoma -- for -- not Coahoma -- for  
18 Hinds County?

19           A. It started January of 2016 and ended this  
20 year, of January -- well, actually, the end of  
21 December of last year.

22           Q. December of '19?

23           A. Correct.

24           Q. So you avoided the pandemic as sheriff,  
25 right?

1           A. Yes, I did.

2           Q. Okay. And this incident happened on  
3 December 28th, 2017.

4           Have you had an opportunity to review any  
5 paper documents associated with this claim?

6           A. No, I haven't, but I do know that Internal  
7 Affairs was assigned to it. We had an investigator  
8 assigned to it.

9           Q. Okay. Have you read the complaint in this  
10 case or any of the incident reports?

11          A. No, I haven't.

12          Q. All right. Have you read the Internal  
13 Affairs report?

14          A. I can't recall that one, because we have so  
15 many.

16          Q. Sure.

17           So the Internal Affairs report for  
18 Mr. Neal's allegation, the December 28, 2017,  
19 report, you haven't looked at that, correct?

20          A. No. No, I haven't.

21          Q. Do you have any independent recollection of  
22 this incident, this alleged use of force by Melvin  
23 Neal against -- or -- sorry -- alleged use of force  
24 that Melvin Neal alleges your three officers used  
25 against him?

1           A. No.

2           Q. Okay. As sheriff, what is your ability or  
3 your power to make policy for the sheriff's  
4 department?

5           A. Well, I'm in charge of the whole  
6 organization. And I, along with others, have to  
7 draft policies, general orders, especial orders, and  
8 we just have to do it all together.

9           Q. Okay. And what tools do you use to  
10 determine how to draft, let's say, a Use of Force  
11 policy?

12           How did you do that when you formulated it  
13 between 2016 and the end of 2019?

14           MS. RILEY: Objection to the question.

15           But you can answer.

16           A. We just go on past experience and who we  
17 have working.

18           Q. (By Mr. Carr) Okay. Is it fair say you  
19 take a policy of your predecessor, review it, and  
20 then tweak it or revise it as you see fit --

21           A. Yes.

22           Q. -- I mean, consistent with your standards  
23 and training?

24           A. Yes.

25           Q. All right. And I'm sure you get some legal

1 advice in there somewhere, correct?

2 MS. RILEY: Objection to the question.

3 But you can answer.

4 A. It's reviewed.

5 Q. (By Mr. Carr) Okay. Now, right when you  
6 came into office, the -- which was a January of '16,  
7 right --

8 A. That's correct.

9 Q. -- all right -- just seven months earlier  
10 the Civil Rights Division of the U.S. Department of  
11 Justice had issued a letter -- a detailed letter  
12 regarding an investigation that they been conducting  
13 of the Hinds County Adult Detention Center for a  
14 period of time involving the administration of your  
15 predecessor.

16 Is that correct?

17 A. That's correct.

18 Q. Are you familiar with that letter?

19 A. I'm familiar with the investigation.

20 Q. Okay. The investigation. And I'm not  
21 going to ask you specifics about the letter, and I  
22 -- you probably don't even have it in front of you.

23 But tell me generally what you, as the  
24 sheriff, did to come into compliance with the  
25 requirements of the U.S. Department of Justice and

1 improve conditions at the Hinds County Adult  
2 Detention Center?

3 MS. RILEY: I'm going to object to this.  
4 But you can answer.

5 A. We tried to go into compliance with what  
6 they wanted the best we could with the budget we  
7 had.

8 Q. (By Mr. Carr) Okay. Did you -- as the  
9 sheriff, as you sit here today, can you think of any  
10 findings they made that you objected to and you said  
11 that we weren't going to get into compliance with?

12 A. I --

13 MS. RILEY: Obj- --

14 A. -- I --

15 MS. RILEY: -- -ection.

16 But you --

17 A. -- I --

18 MS. RILEY: -- can answer.

19 A. -- I didn't object to any of their  
20 findings.

21 Q. (By Mr. Carr) Okay.

22 A. I had to do what they requested.

23 Q. Well, I understand you had to do it. I was  
24 asking if you objected to having to do it?

25 A. No.

1 MS. RILEY: Objection.

2 But you can answer.

3 Q. (By Mr. Carr) Okay. Because sometimes you  
4 get told you have to do something that you don't  
5 think, you know, you should have to do in certain  
6 situations. I was just wondering if that happened  
7 with the DOJ report.

8 But you were generally okay with --

9 Well, strike that.

10 You made efforts, through your sheriff's  
11 department, to come into compliance with the civil  
12 rights division requests -- or findings, correct?

13 A. Correct.

14 Q. All right. And by the time that you left  
15 office in December of '19, would you say that you  
16 came into compliance?

17 MS. RILEY: Objection.

18 But you can answer.

19 A. Not fully, but we tried.

20 Q. (By Mr. Carr) All right. Tell me -- flush  
21 that out for me some, and I understand this isn't  
22 something you can just do overnight. Because it's  
23 not a --

24 A. Right.

25 Q. -- it's not a problem that was created

1 overnight, you know. These are things that take a  
2 while to do and take a lot of money to do.

3 My question, I guess, is: When you were  
4 coming out of office, can you think of any things  
5 that were undone that you were trying to do to come  
6 into compliance with the civil rights findings?

7 A. Staffing was one of the problems.

8 Q. And describe that for me.

9 A. Staffing, people, jailers, detention  
10 officers. We tried to recruit the best we could,  
11 because, according to their standards, they wanted  
12 400-plus, and there's no way you're going to get  
13 that, not for Hinds County. So we tried our best.

14 Q. So you tried to increase the number of  
15 certified corrections officers at the Hinds County  
16 Adult Detention Center, correct?

17 A. Correct.

18 Q. And is it fair to say you weren't given the  
19 budget to have 400 certified corrections officers at  
20 the Hinds County Adult Detention Center?

21 A. Yes.

22 Q. All right. Even if you had the budget, do  
23 you think you could have found 400 certified  
24 corrections officers for the Hinds County Adult  
25 Detention Center?

1 MS. RILEY: Objection.

2 But you can answer.

3 A. Well, when you have people that can't pass  
4 the background -- and detention isn't made for  
5 everybody, and then you have other agencies that pay  
6 more than you, it's fair to say that.

7 Q. (By Mr. Carr) Okay. Okay. In addition to  
8 chronic understaffing, what other problems that you  
9 were unable to, by your term as sheriff, come into  
10 compliance with that come to mind?

11 A. Well, we tried to repair the problem in the  
12 jail with the locks, because the door wouldn't lock.  
13 And that was --

14 Q. Right.

15 A. -- a problem, but that was really the first  
16 two problems.

17 Q. Okay. And did that have to do with the age  
18 of the facilities?

19 A. Yes.

20 Q. Okay. The investigation found that the  
21 jail failed to protect prisoners from serious harm  
22 under the Eighth Amendment.

23 I'm sorry about that loud noise, Sheriff.  
24 My office is right at the highway, and we've got a  
25 bunch of good ole boys with loud pipes that like to

1 run up and down the highway on a Friday, making a  
2 lot of noise. So I'm trouble -- I'm sorry if you  
3 have trouble hearing.

4 The investigation found that the Hinds  
5 County Adult Detention Center failed to protect  
6 prisoners from serious harm.

7 What steps can you annunciate that y'all  
8 took to remedy that?

9 A. We tried to hire more staff as best we  
10 could.

11 Q. Okay.

12 A. And we tried to get the locks repaired. In  
13 fact, they started repairing them before I left.

14 Q. All right. What efforts did you make to  
15 control contraband, or what changes did you make to  
16 control the influx of contraband in your jail after  
17 th- --

18 A. We --

19 Q. -- -is report came out?

20 A. Well, we stepped up our searches when -- in  
21 booking and even in the front of the entrance, where  
22 the employees would come in. That's how -- we  
23 arrested several of them, so we stepped up our  
24 efforts on that.

25 Q. Okay. Give me some details as to how you

1 did that. Like what would you do versus the  
2 policies of your predecessors to really crack down  
3 on contraband with the budget that you had?

4 A. Well, we could conduct shakedowns weekly,  
5 if not, every other week, and they were unannounced.  
6 Nobody knew, not even the warden, at some point.

7 Q. Uh-huh. Okay. Did you ever bring in any  
8 outside agencies to conduct shakedowns? Like I know  
9 here at Bolivar, sometimes they'll bring in the  
10 marshall or some other independent agency to conduct  
11 shakedowns.

12 Did your agency -- did your jail ever do  
13 that? And you --

14 A. Yes, we -- yes, I did.

15 Q. Okay. What other agencies would -- came in  
16 to conduct any shakedowns of your jail during your  
17 time as sheriff, sir?

18 A. The agencies that assisted us was the  
19 Mississippi Department of Corrections, the  
20 Mississippi Highway Patrol Special Operations group,  
21 Clinton Police Department, and I believe that's it.

22 Q. Why does bringing in an outside agency to  
23 conduct a shakedown help?

24 A. Well, you have the manpower.

25 Q. All right. Is it also because you don't

1 trust your own corrections officers to perform a  
2 shakedown?

3 A. No, I'm not going to say that, but I just  
4 like manpower.

5 Q. Okay. Okay. Next, the Department of  
6 Justice found that prisoners have suffered actual  
7 harm from the improper use of force. And just so  
8 I'm clear on the record, I'm referencing page 12 of  
9 the DOJ report.

10 Now, again, I know you may not be familiar  
11 with the actual letter or have read it recently.  
12 Can you tell me any steps -- or -- any steps that  
13 y'all took to remedy the allegation or the finding  
14 that prisoners have suffered actual harm from the  
15 improper use of force by your own staff --

16 A. Well, we --

17 Q. -- the 2015 staff? Sorry, it's not your  
18 staff.

19 A. Okay. Well, we had -- we stepped up  
20 efforts on training we -- like tasers, so you  
21 wouldn't have to physically use much force. And,  
22 like I said, we tried to step up efforts on  
23 recruiting more people.

24 Q. Okay. So you found that because of --  
25 would it -- is it safe to say that if the jail was

1 understaffed, then the officers may use force versus  
2 if they had more people there, they wouldn't use  
3 force?

4 Is that what you're saying?

5 A. I think if you had more people there, it  
6 would help, because, number one, the guys were  
7 outnumbered either way. But I think if you had more  
8 people -- because the way the jail is designed, it  
9 would be a deterrent.

10 Q. Okay. Can you describe for me what you  
11 would do, as sheriff, to train your employees in use  
12 of force, when to put hands on somebody, when not  
13 to?

14 What kind of training would they get?

15 A. Well, the training they were getting --  
16 because we were doing it anyway -- was physical  
17 training, takedown holds, come-along holds, things  
18 like that. And, as I said, we also added tasers to  
19 the, you know -- the officers that wanted to come  
20 in.

21 Q. Okay. And just so we're clear, Sheriff, in  
22 this particular allegation, it doesn't involve any  
23 use of tasers. I'm more interested in the training  
24 that was provided to your officers on use of force  
25 with their hands, you know, putting --

1 A. Uh- --

2 Q. -- yo- --

3 A. -- -huh.

4 Q. -- -ur hands on somebody.

5 So how would an officer be trained in that  
6 your administration? Where would they get that  
7 training from?

8 A. We would do it. We would do it in-house.

9 Q. Okay. Is that like through a state  
10 program, or is that just from Hinds County  
11 on-the-job training?

12 A. Both.

13 Q. Okay. Do all -- the corrections officers  
14 that were working in the adult detention facility  
15 under your administration, did they have to pass  
16 some type of like minimum standards state  
17 certification?

18 A. No. They just had to go through the  
19 training itself. They would have to do that.

20 Q. Where was that training offered?

21 A. Raymond Detention Center, in our classroom  
22 training.

23 Q. By whom was it offered?

24 A. Lieutenant Terry Miller.

25 Q. All right. And that -- and he's an

1 employee of the Hinds County Sheriff's Department,  
2 or was?

3 A. He was when I was there.

4 Q. All right. Is there any part of -- and I  
5 know I've asked you a version of this before, but  
6 maybe I'll ask it a different way. Is there any  
7 part of the Department of Justice investigations and  
8 findings that you, as the sheriff, found or believed  
9 to be, "Look, this is simply not true"?

10 MS. RILEY: Objection.

11 You can answer, if you remember  
12 everything in that report that you don't  
13 have.

14 A. You have asked me that, but, no, I don't  
15 remember it.

16 Q. (By Mr. Carr) Say that again --

17 A. I --

18 Q. -- Sheriff.

19 A. -- I don't remember it.

20 Q. Okay.

21 A. But I didn't disagree with anything in  
22 their findings.

23 Q. Okay. Okay. As the sheriff of Hinds  
24 County -- former sheriff of Hinds County, you are  
25 the chief policymaker for the sheriff's department,

1       correct?

2           A. Yes.

3           Q. I mean, I understand you go to the board of  
4       supervisors to ask for your budget. But, other than  
5       that, the board of supervisor doesn't make policy  
6       for your sheriff's department; you do, as the  
7       elected sheriff, right?

8           A. Correct.

9           Q. Okay. And you did that during your  
10      administers from January of 2016 until you left  
11      office in December of 2019, correct?

12          A. Correct.

13          MR. CARR: Let's go off the record just  
14      for a second.

15          MS. RILEY: Okay.

16          (Off the record.)

17          MR. CARR: Let's get back on then.

18          Sheriff, I appreciate your time, and I  
19      believe that's all the questions I have for  
20      you today, sir.

21          Thank you.

22          THE WITNESS: Okay. Thank --

23          MS. RILEY: Thank --

24          THE WITNESS: -- you.

25          MS. RILEY: -- you.

1       No questions.

2       (Deposition concluded at 2:07 p.m.)

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1 CERTIFICATE OF DEPONENT

2 I, Victor Mason, deponent in this deposition,  
3 hereby certify that I have examined the foregoing 20 pages  
4 and find them to contain a full, true, and accurate  
5 transcription of the testimony as given by me on October  
6 2, 2020, via Zoom.

7 Page Line Correction (If Any)

8 \_\_\_\_\_

9 \_\_\_\_\_

10 \_\_\_\_\_

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12 \_\_\_\_\_

13 \_\_\_\_\_

14 This the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

15 \_\_\_\_\_

16 \_\_\_\_\_

17 VICTOR MASON

18 State of Mississippi

19 County of \_\_\_\_\_

20 Sworn to and subscribed before me, this the \_\_\_\_\_ day of  
21 \_\_\_\_\_, 2020.

22 \_\_\_\_\_

23 NOTARY PUBLIC

24 MY COMMISSION EXPIRES \_\_\_\_\_

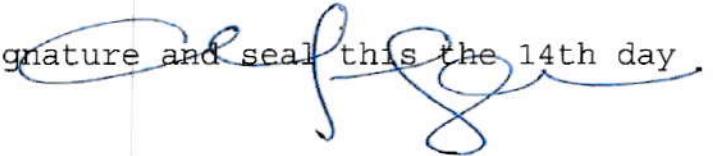
25 \_\_\_\_\_

1 CERTIFICATE OF COURT REPORTER

2 I, Courtney R. Taylor, Court Reporter and Notary  
3 Public in and for the County of Bolivar, State of  
4 Mississippi, do hereby certify that the foregoing 20  
5 pages, and including this page, contain a true and  
6 accurate transcription of the testimony of Victor Mason,  
7 as taken by me in the aforementioned matter at the time  
8 and place heretofore stated by stenotype and later reduced  
9 to typewritten form under my supervision by means of  
10 computer-aided transcription.

11 I further certify that under the authority  
12 vested in me by the State of Mississippi that the witness  
13 was placed under oath by me to truthfully answer all  
14 questions in this matter.

15 I further certify that I am not in the employ of  
16 or related to any counsel or party in this matter and have  
17 no interest, monetary or otherwise, in the final outcome  
18 of this proceeding.

19 Witness my signature and seal this the 14th day  
20 of October, 2020.  


21  
22 COURTYN R. TAYLOR, CCR #1668  
23  
24

25 My Commission Expires: August 19, 2023

**Victor Mason - October 02, 2020**

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